

June 25, 2003

Minutes of the Canadian Nuclear Safety Commission (CNSC) Meeting held Wednesday June 25, 2003, beginning at 5:25 p.m. in the Public Hearing Room, CNSC Offices, 280 Slater Street, Ottawa, Ontario.

Present:

L.J. Keen, Chair

C.R. Barnes

J.A. Dosman

Y.M. Giroux

A. Graham

L. MacLachlan

M.J. McDill

M.A. Leblanc, Secretary

I. V. Gendron, Senior Counsel

C.N. Taylor, Recording Secretary

CNSC staff advisers were J. Blyth, C. Maloney, J. Clarke, P. Nelson, T. Viglasky and S. Faille.

### **Adoption of the Agenda**

1. The agenda, CMD 03-M39.A, was adopted as presented.

**DECISION**

### **Chair and Secretary**

2. The President took the Chair and the Secretary of the Commission acted as Secretary of the meeting with C.N. Taylor acting as recording secretary.

### **Constitution**

3. With the notice of meeting having been properly given and a quorum of Members being present, the meeting was declared to be properly constituted.
4. Since the meeting of the CNSC held May 21 and 22, 2003, Commission Member Documents CMD 03-M38 to CMD 03-M45 had been distributed to Members. These documents are further detailed in Annex A of these minutes.

**Minutes of the CNSC Meeting Held May 21 and 22, 2003**

5. The Members approved the minutes of the May 21 and 22, 2003 Commission meeting (reference CMD 03-M40) without change. **DECISION**
  
6. The Members questioned staff when the action item described in paragraph 29 of the minutes of the May 21 and 22, 2003 Commission meeting would be completed (i.e., concerning a planned update report from staff on an overcooling event that occurred at Pickering NGS-B on February 26, 2003). Staff indicated that the update report would likely be ready for presentation at the Commission meeting in September 2003. **ACTION**
  
7. In response to a question from the Members on the action item described in paragraph 67 of the minutes of the May 21 and 22, 2003 Commission meeting (i.e., concerning the decommissioning financial guarantee at McMaster University Nuclear Reactor), staff reported that progress continues to be made and that a further update will be provided at the next meeting (July 16, 2003). **ACTION**
  
8. With reference to the action item identified in paragraph 51 of the minutes of the May 21 and 22, 2003 Commission meeting (i.e., concerning the development of a further action plan on emergency preparedness), the Members requested that staff provide an update on progress at the next Commission meeting (July 16, 2003). **ACTION**

**Significant Development Report**

9. Significant Development Report (SDR) no. 2003-5 (CMD 03-M41) was submitted by staff. Staff had no significant developments to report for the reporting period covered by the CMD. Staff reported on the following significant development that occurred after the CMD was submitted.

**Pickering NGS-B Unit 5**

10. Staff reported that Unit 5 at Pickering NGS-B was shutdown on June 6, 2003 as a result of an equipment problem with a valve in the zone control system. Staff further noted that the problem was corrected and that Ontario Power Generation (OPG) was currently raising power on the unit.

**Criteria for Defining Significant Developments**

11. With reference to the action item identified in paragraph 19 of the minutes of the Commission meeting held on February 26, 2003

(i.e., concerning the development of criteria that will be applied by staff in deciding when an event warrants a *Significant Development Report* to the Commission), staff reported that it is proceeding to develop criteria that will be applicable to all CNSC service lines and, as such, the criteria will not likely be ready for presentation to the Commission until the fall of 2003. The Commission noted that the criteria should be designed so that important events, such as accidents and malfunctions, will continue to be brought before the Commission for discussion at the public meetings.

**ACTION**

**Status Report on Power Reactors**

12. With reference to CMD 03-M42, staff provided updates to the Status Report on Power Reactors since the time the CMD was submitted. Additional information was provided on the progress of the restart projects at Bruce NGS-A and Pickering NGS-A, and a recent outage at Pickering NGS-B Unit 5 (referred to in the above-noted *Significant Development Report*).
13. In response to the Members' questions on the report, staff provided a more detailed explanation of the circumstances leading to OPG's decision to temporarily return Pickering NGS-A Unit 4 to a guaranteed shutdown state.
14. Further with respect to the report on the Pickering NGS-A restart, the Members sought additional information from staff on the reported chemically induced degradation in the seating material of some valves. Staff stated its view that nitrous oxides appears to have formed in the valves during the extended lay-up and that this has caused some pitting and damage to the nickel surfaces on the valves seats. Staff noted that, while the condition may have been predictable in hindsight, it was not likely something that could have been detected prior to the valve testing with the moderator in the reactor. In response to a follow-up question from the Members, staff stated that the valves in the other units will be checked for similar degradation prior to their start-up.

**Recommendations for Improvements to the CNSC Program to Fulfill Responsibilities Under the *Canadian Environmental Assessment Act (CEAA)***

15. With reference to CMD 03-M43, staff reviewed the history of federal environmental assessment (EA) in Canada and outlined the process issues that have arisen more recently in the application of the CEAA to projects regulated by the CNSC.

16. Staff made six recommendations for improving the process for how the CNSC fulfills its responsibilities under the CEAA and sought the Members' acceptance of the recommended improvements. The staff's six recommendations focused on the following four objectives: a) formalizing the delegation of certain aspects of the CNSC's CEAA program; b) standardizing the elements of EA guidelines that are prepared by the CNSC; c) establishing a framework for guiding public consultation in the environmental assessments; and d) annual reporting to the Commission on the CEAA program implementation. Staff noted that an important aspect of the recommendations is to improve the predictability and timeliness of the process, while ensuring the public continues to have adequate opportunity to provide input to the EAs.
17. Staff noted that, in preparing the recommendations, it consulted with stakeholders (i.e., industry and non-government organizations) and other federal authorities who have responsibilities under the CEAA, including Natural Resources Canada and the Canadian Environmental Assessment Agency. Staff also took into account the *CNSC Rules of Procedure* and previous delegations of authority by the Commission under the NSCA.
18. The Members noted that the proposed framework for public consultation envisages circumstances where there may be no public consultation undertaken for an EA. In response to the Members' questions on this, staff stated that it may not be necessary to consult with the public on small projects that are known to have virtually no environmental impact and where there has been no public interest expressed.
19. The Members sought further information from staff on the proposed delegation to staff of EA guidelines for some EAs that will ultimately come before the Commission for decision. The Members noted that public intervention on recent EA guidelines has been useful in this respect, and that the current practice of having the body responsible for the EA decision also making the scoping decision appears logical. In response, staff noted that if the proposed criteria for deciding which EA guidelines would remain with the Commission (ref: Appendix C of CMD 03-M43) were applied to the EAs that were carried out by the CNSC over the past two years, the EA guidelines that were established by the Commission would still have come to the Commission. Staff noted that, in using the proposed criteria, the EA guidelines for significant projects would continue to come to the Commission for decision; whereas for small projects, the EA guidelines could be more efficiently established by staff on behalf of the Commission.

- Staff further noted that the intent is to parallel the type of formal delegation to staff that the Commission has approved on licensing matters.
20. The Members noted that the proposed public consultation framework envisages the possibility of a Designated Officer (DO) seeking public input on EA guidelines for which he will be responsible. The Members asked staff to elaborate on how this public consultation would be done by the DO. In response, staff stated that public input in such circumstances would be typically solicited in the form of written submissions on a draft EA guidelines document. Staff may also attend or hold public meetings to obtain input.
  21. In response to a follow-up question from the Members, staff confirmed that, even if public comments are not actively solicited on a draft report, the subject report remains a public document that is available on request.
  22. Further with respect to public consultation on EAs, the Members noted from their questioning of staff during the meeting that the public potentially has several opportunities to express its concerns to the Commission about the environmental effects of a project. For example, the public may be engaged: in the review of draft EA guidelines (both prior to and/or at a public hearing on the same); during the conduct of the EA studies delegated to the proponent; on a draft EA screening report; at a public hearing on the EA screening report; and finally, if the process continues, at the licensing hearings for the project. In this regard, staff noted that, from its review of other federal departments, a variety of consultation strategies are used depending on the size and complexity of the project, the perceived environmental health risk and the degree of public concern. Staff stated that the proposed framework is intended to improve efficiency while ensuring appropriate consultation in specific circumstances.
  23. The Members expressed their concerns with the lack of detail in the staff's proposed generic framework for EA guidelines as set out in Appendix B of CMD 03-M43. The Members are of the view that the standard elements common to any environmental assessment should be listed in this framework. In response, staff stated that the framework presented includes only the highest level subject areas and that these would be further subdivided in the preparation of the project-specific guidelines. The Member's suggested that staff consider, as examples, the generic EA guidelines that the National Energy Board has prepared for a variety of project types.

24. The Members sought clarification of what staff means by improving the “predictability” of the process. In response, staff explained that predictability means knowing upfront in each case where and how decisions will be made, and what consultations will be carried out. This will provide applicants with a better understanding of how long the EA process is going to take in each case.
25. The Members thanked the staff for its recommendations and report and noted that the Commission would deliberate further on the matter prior to either requesting additional information, or announcing its decisions on the recommendations of staff.

### **Status Report on the Canadian Nuclear Safety Commission’s Regulatory Transition Plan**

26. With reference to CMD 03-M44 and CMD 03-M44.A, staff provided a status report on the CNSC’s *Regulatory Transition Plan* that was initially established in May 2000 at the time the *Nuclear Safety and Control Act* came into force. Staff drew the Members’ attention to the three remaining active exemptions covered by the plan and described the activities underway to close these items by the specified dates.
27. In response to a question from the Members on how any new issues related to the Act and regulations will be handled in the future, staff stated that these would be addressed by the Office of Regulatory Affairs under the normal regulatory process, rather than as part of a transition plan.

### **Progress Report on the Implementation of Radiation Protection Programs by Carriers**

28. With reference to CMD 03-M45, staff presented a progress report on what is being done to ensure that commercial carriers of radioactive substances implement radiation protection programs for their workers as required by the regulations. Staff noted that, as part of the *Regulatory Transition Plan* discussed in the foregoing meeting item, the carriers have been temporarily exempt from the requirements of the regulations to allow time for appropriate and practical measures to be developed.
29. Staff reported that, following a 2-phase research program, the carriers have been sorted into three categories based on relative risk (high, moderate and low). The predicted and measured mean doses

- to the workers were observed to range from less than the 1 mSv/a public dose limit to 7.3 mSv/a (a maximum of 15 mSv was observed). Staff outlined the proposed radiation protection program requirements for each risk category. Staff noted that these requirements are being developed using a risk-based approach to ensure the workers are protected, while also ensuring that no unnecessary regulatory burden is placed on the carriers. For the low-risk category, no formal radiation protection program will be required if certain elements are incorporated in the carrier's work procedures.
30. In response to the Members' questions about how compliance with the proposed requirements will be monitored and enforced, staff explained that, because the carriers are not licensees and are very numerous, much of the compliance strategy will be based on education and promotion of good package handling practices within the sectors most at risk. As part of this, staff will invite the operators to become engaged in discussions on what may be practical means of further reducing doses in their operations.
  31. The Members noted that a licensed shipper of nuclear materials conceivably could decide to subcontract its handling activities to one of the unlicensed carriers, thereby reducing its own regulatory requirements for radiation protection. In response to this observation, staff noted that this does happen and that the program being presented is designed to be part of the solution to this.
  32. In response to a question from the Members on the possible role of workplace health and safety committees and provincial labour inspectors, for example, staff confirmed that its strategy includes interactions with these types of organizations.
  33. In response to follow-up questions from the Members, staff confirmed that the workers in the "moderate" and "high" categories will be required to be designated as *Nuclear Energy Workers* and that their doses will be recorded in the *National Dose Registry*.
  34. In closing the discussion on this item, the Members acknowledged the good work of staff in addressing this area of risk that, prior to the enactment of the NSCA, was not being addressed.

**Closure of the Public Meeting**

35. The meeting closed at 6:58 p.m.

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*Chair*

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*Recording Secretary*

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*Secretary*

## ANNEX A

CMD	DATE	File No
03-M38	2003-05-23	(1-3-1-5)
Notice of Meeting held on Wednesday, June 25, 2003 in Ottawa		
03-M39	2003-06-11	(1-3-1-5)
Agenda of the meeting of the Canadian Nuclear Safety Commission (CNSC) held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, on Wednesday, June 25, 2003		
03-M39.A	2003-06-19	(1-3-1-5)
Revised Agenda of the meeting of the Canadian Nuclear Safety Commission (CNSC) held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, on Wednesday, June 25, 2003		
03-M40	2003-06-16	(1-3-1-5)
Approval of minutes of Commission meeting held May 21 and 22, 2003		
03-M41	2003-06-05	(1-3-1-5)
Significant Development Report no. 2003-5		
03-M42	2003-06-05	(1-3-1-5)
Status Report on Power Reactors		
03-M43	2003-06-10	(10-83-0)
Recommendations for Improvements to the CNSC Program to Fulfill Responsibilities Under the <i>Canadian Environmental Assessment Act</i>		
03-M44	2003-06-09	(1-1-19-0)
Status Report on the Canadian Nuclear Safety Commission's Regulatory Transition Plan		
03-M44.A	2003-06-17	(1-1-19-0)
Status Report on the Canadian Nuclear Safety Commission's Regulatory Transition Plan – Supplementary Information		
03-M45	2003-06-10	(30-1-0)
Progress Report on the Implementation of Radiation Protection Programs by Carriers		